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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,630	01/07/2006	Koji Hirose	P28569	5469
52123 7590 01/08/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER LEWIS, JONATHAN V				
ART UNIT		PAPER NUMBER		
2425				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/550,630

Applicant(s)

HIROSE ET AL.

Examiner

JONATHAN LEWIS

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This office action is in response to applicant's amendment filed September 25, 2008. Claims 1-12 are still pending in the present application. **This action is made FINAL.**

Response to Arguments

Applicant's arguments filed September 25, 2008, with regards to claims 1-12 have been fully considered but they are not persuasive.

Applicants argue that the cited references Hendricks et al. US Pat. No. 5,734,853 and Kunii et al. US Pat. No. 7,095,402 do not read upon the claims as written. Examiner respectfully disagrees.

First, applicants argue Hendricks et al. does not teach "a remote control device according to a user operation on a terminal at a remote place and transmitted through a network." Fig. 1 of Hendricks et al. shows the controlled device 220, the remote 900, and the transmission network 200. The remote control is operable by a user on a terminal, the set top box 220, which transmits through a network 200, and it's at a remote place: the location of the remote control is clearly different in the figure. Secondly, applicants submit that Hendricks et al. fails to disclose a channel table. Examiner respectfully disagrees. Fig. 14 clearly shows a channel table, as applicants have claimed. Claim 1 reads: "a channel table which associates broadcast station numbers with channel numbers," and Fig. 14 shows the broadcast stations associated with the channels. It is the position of the examiner that a specific type of remote control

is not specified, and that while broadcast station numbers are "normally fixed" they do not have to be, and sometimes are not.

Applicants also argue Kunii et al. does not teach "the remote control device includes: a communication controller that receives control information including a broadcast station number through the network from the terminal." Examiner respectfully disagrees. Fig. 17 shows the remote device that receives control information. The argument that this device is not a separate remote control device is simply inaccurate. See Fig. 1 and the abstract. The PDA is the remote control device. Applicants also argue that Kunii et al. doesn't teach "changes the relationship on the basis of the user operation on the terminal to transmit the relationship to the controlled device, and the controlled device updates the channel table on the basis of the relationship between the broadcasting station numbers and the channel numbers transmitted from the remote control device;" however, Fig. 21 shows the change in the relationship from one region to another.

Therefore, Hendricks et al. and Kunii et al. reads upon the claims as currently written. Based upon the cited references, examiner maintains the rejection of claims 1-12.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (US Pat. No. 5,734,853).

Regarding claim 1, Hendricks et al. teaches a controlled device which is controlled on the basis of control information generated by a remote control device according to a user operation on a terminal at a remote place and transmitted through a network (Fig. 1 shows the controlled device 220, the remote 900, and the transmission network 200), comprising: a storage section that stores a channel table which associates broadcast station numbers with channel numbers, the broadcast station numbers being used by the remote control device and allocated to each broadcast station, the channel numbers being used by the controlled device and allocated to each broadcast station (Fig. 5a, 628 shows the storage section; Fig. 14 shows the channel table); and a receiver that receives control information including the broadcast station numbers through the network, wherein the controlled device specifies the channel number on the basis of the received broadcast station number with reference to the channel table, and performs an operation based on the control information with the specified channel number (Fig. 14).

Regarding claim 2, Hendricks et al. teaches the controlled device according to claim 1, wherein the channel table manages a broadcast station number, a channel number, and a frequency of a broadcast station, by associating them with each other (Fig. 15; col. 9, line 66 – col. 10, line 22).

Regarding claim 3, Hendricks et al. teaches the controlled device according to claim 1, that is a video recording apparatus capable of recording a received broadcast program (col. 20, lines 13-24).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US Pat. No. 5,734,853) in view of Hirose (US PG Pub. No. 2003/0217167).

Regarding claim 4, Hendricks et al. teaches all the claim limitations as stated above, except the control information is information necessary to perform timer recording of a broadcast program.

However, Hirose teaches the control information is information necessary to perform timer recording of a broadcast program (page 3, 0064).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to perform timer recording of broadcasts, in order to allow users the flexibility of recording desirable programming when the user may not be there to manually set the recording at the exact time of the broadcast.

Claims 5-10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US Pat. No. 5,734,853) in view of Kunii et al. (US Pat. No. 7,095,402).

Regarding claim 5, Hendricks et al. teaches a remote control system which includes the controlled device according to claim 1 which is controlled from a terminal at a remote place through a network (Fig. 1), and a remote control device which transmits control information to the controlled device in accordance with an instruction from the terminal (Fig. 1, 900).

Hendricks et al. teaches all the claim limitations as stated above, except the remote control device includes: a communication controller that receives control information including a broadcast station number through the network from the terminal; and a transmitter that transmits the control information including the received broadcast station number to the controlled device.

However, Kunii et al. teaches the remote control device includes: a communication controller that receives control information including a broadcast station number through the network from the terminal (Fig. 17); and a transmitter that transmits the control information including the received broadcast station number to the controlled device (Fig. 46).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to allow the remote control device to receive control information and transmit to the controlled device, in order to allow a user to set a timer for future recording from a remote location.

Regarding claim 6, Hendricks et al. in view of Kunii et al. teaches all the claim limitations as stated above, except the remote control device includes a section that reads a channel table from the controlled device to acquire a relationship between broadcast station numbers and channel numbers when a user operation related to a change in channel table on the terminal, and that changes the relationship on the basis of the user operation on the terminal to transmit the relationship to the controlled device, and the controlled device updates the channel table on the basis of the relationship between the broadcasting station numbers and the channel numbers transmitted from the remote control device.

However, Kunii et al. teaches the remote control device includes a section that reads a channel table from the controlled device to acquire a relationship between broadcast station numbers and channel numbers when a user operation related to a change in channel table on the terminal (Fig. 29), and that changes the relationship on the basis of the user operation on the terminal to transmit the relationship to the controlled device, and the controlled device updates the channel table on the basis of the relationship between the broadcasting station numbers and the channel numbers transmitted from the remote control device (Fig. 21 shows the change from one region to another).

Regarding claim 7, Hendricks et al. in view of Kunii et al. teaches all the claim limitations as stated above, except the remote control device sets an initial relationship between the broadcast station numbers and the channel numbers on the basis of area information which represents an installation area of the controlled device and is

designated by a user on a terminal, and, thereafter, the relationship can be changed according to a user operation on the terminal.

However, Kunii et al. teaches the remote control device sets an initial relationship between the broadcast station numbers and the channel numbers on the basis of area information which represents an installation area of the controlled device and is designated by a user on a terminal, and, thereafter, the relationship can be changed according to a user operation on the terminal (Fig. 20).

Regarding claim 8, Hendricks et al. teaches remote control method for a remote control system including a controlled device controlled from a terminal located at a remote place through a network and a remote control device which transmits control information to the controlled device in accordance with an instruction from the terminal (Fig. 1), the control method comprising: storing a channel table that associates broadcast station numbers with channel numbers in the controlled device, the broadcast station numbers being used by the remote control device and allocated to each broadcast station, the channel numbers being used by the controlled device and allocated to each broadcast station (Fig. 5a, 628 shows the storage section; Fig. 14 shows the channel table).

Hendricks et al. teaches all the claim limitations as stated above, except when a user operation related to a change in the channel table is performed on the terminal, reading the channel table from the controlled device by the remote control device to acquire a relationship between the broadcast station number and the channel number, and changing the relationship on the basis of user operation on the terminal to transmit

the relationship to the controlled device; and updating the channel table in the controlled device on the basis of the relationship between the broadcast station number and the channel number transmitted from the remote control device.

However, Kunii et al. teaches when a user operation related to a change in the channel table is performed on the terminal, reading the channel table from the controlled device by the remote control device to acquire a relationship between the broadcast station number and the channel number (Fig. 29), and changing the relationship on the basis of user operation on the terminal to transmit the relationship to the controlled device (Fig. 21 shows the change from one region to another); and updating the channel table in the controlled device on the basis of the relationship between the broadcast station number and the channel number transmitted from the remote control device (Fig. 20).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to read a channel table and allow the changing and updating of the table based on user operation, in order to allow a mobile user to view programming schedules based on different geographic regions.

Regarding claim 9, Hendricks et al. in view of Kunii et al. teaches all the claim limitations as stated above, except the channel table manages a broadcast station number, a channel number, and a frequency of a broadcast station by associating them with each other.

However, Hendricks et al. teaches the channel table manages a broadcast station number, a channel number, and a frequency of a broadcast station by associating them with each other (Fig. 15; col. 9, line 66 – col. 10, line 22).

Regarding claim 10, Hendricks et al. in view of Kunii et al. teaches all the claim limitations as stated above, except the controlled device is a video recording apparatus which can record a received broadcast program.

However, Hendricks et al. teaches the controlled device is a video recording apparatus which can record a received broadcast program (col. 20, lines 13-24).

Apparatus claim 12 is rejected for the same reasons as stated above in the corresponding method claim.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US Pat. No. 5,734,853) in view of Kunii et al. (US Pat. No. 7,095,402) in further view of Hirose (US PG Pub. No. 2003/0217167).

Regarding claim 11, Hendricks et al. in view of Kunii et al. teaches all the claim limitations as stated above, except the control information is information necessary to perform timer recording of a broadcast program.

However, Hirose teaches the control information is information necessary to perform timer recording of a broadcast program (page 3, 0064).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to perform timer recording of broadcasts, in order to allow users the flexibility of recording desirable programming when the user may not be there to manually set the recording at the exact time of the broadcast.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Morales US Pat. No. 5,663,757
- b. Kato US PG Pub. No. 2002/0041756

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **JONATHAN LEWIS** whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hunter B. Lonsberry/
Primary Examiner, Art Unit 2421